

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RUFUS WEST,

Plaintiff,

v.

Case No. 06-C-68

JOHN KUSSMAUL, et al.,

Defendants.

ORDER

Plaintiff Rufus West, a state prisoner, filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 concerning events that occurred while he was incarcerated at the Wisconsin Secure Program Facility. He is currently incarcerated at Columbia Correctional Institution, to which he was recently transferred. On August 17, 2007, plaintiff moved the court to compel discovery of his Behavior Log and Behavioral Incident Reports. On the same day, plaintiff also filed a motion asking the court to either impose sanctions against defense counsel for failure to produce these documents or to appoint counsel to assist Plaintiff in obtaining discovery materials. Defendants filed a letter in response on September 6, 2007, indicating that any delay in providing plaintiff the discovery he requested was due to confusion surrounding plaintiff's transfer from one correctional institution to another. Defendants also indicated that plaintiff was provided over 300 pages of responsive documents on August 28, 2007. Plaintiff has not filed a reply.

Under these circumstances, the court does not believe any delay in responding to plaintiff's discovery request was so egregious as to warrant monetary sanctions. It appears plaintiff has

received materials responsive to his discovery request. Therefore, plaintiff's motion to compel, motion for sanctions, and motion to appoint counsel are **DENIED** as moot.

Dated this 25th day of September, 2007.

s/ William C. Griesbach

William C. Griesbach

United States District Judge